SPEECH OF MR. HUNTER. OF VIRGINIA, ON THE DEFICIENCY BILL.

IN THE SENATE, APRIL 16, 1852.

The Senate having under consideration the bill of the House of Representatives to supply deficiencies in the appropriations for the service of the fiscal year ending June

Mr. HUNTER said: Mr. President, it will perhaps facilitate the passage of this bill if I explain its objects and purposes before we enter upon it, and endeavor to define the relations which Congress and the Executive Departments bear towards it. So much has been said elsewhere in relation to the propriety of passing any deficiency bill at all, and so much is likely to be said here in relation to it, that it seems to me that it will perhaps save time if I were to open the consideration of the bill with an explanation of its objects and purposes.

It has been objected that there ought not to be any deficiency bill; that enough ought to be estimated for in the beginning, and that the Government should confine itself to the appropriations which were then made. Experience will show, if we look back, that the Government has never been able to confine itself to the sum originally appropri-

ficiency bill; that enough ought to be estimated for in the beginning, and that the Government should confine itself to the appropriations which were then made. Experience will show, if we look back, that the Government has never been able to confine itself to the sum originally appropriated; and, sir, when we look to it, we will find that this capacity in Congress to pass deficiency bill smay be eminently useful and serviceable. The deficiency bill grows out of a change in the fiscal year—a change made in the year 1842. Before that time, when appropriations were made for the fiscal year, we used to have constantly—certainly from 1820—two bills, the first a partial appropriation, the second an appropriation in full. Whoever will refer to the bills of appropriation, was made that the Government might be supported until the full appropriation was made by Congress, so as to give them time to discuss it. They came then in this order—the partial appropriation first, and the full appropriation afterwards. But when the fiscal year was altered, and made to commence on the first of July, this order was changed: first comes the appropriation, which purports to be a full appropriation for the year, and then comes the deficiency bill, that is to say, the partial appropriation.

Now, I say that this faculty, this capacity to pass a deficiency bill is eminently useful. Without it Congress could not trim down the estimates as they ought to do. Without it, neither Congress nor the Executive could make those experiments towards conomical reform which would be practicable, when we know that we can, at any time thereafter, pass a deficiency bill to remedy any mistake or error which would occur. Indeed, the necessity of this capacity to provide for deficiencies I cannot better illustrate than by reference to the history of this very bill. Whatever is indispensable in it originates mainly in this—I now appead of those items which are most essential and important—anmely, in the necessity for the military appropriations. The House ou

in the deficiency bill.
But that is not all. I think I shall show, as I proceed in the history of the matter, that whatever reforms have been made, whatever steps have been taken towards re-form, (and some have been taken,) have originated since

the criticism on the estimates of last year, and probably originated out of the action of Congress.

But there is another objection to the deficiency bills, and that is, that it is sanctioning the Executive in pursuing a course contrary to law. We pass a law saying that we appropriate so much; and if we allow the Executive department to expend more than the sum thus applied, it is said that we sanction them in departing from the law made by Congress, and thus set a dangerous precedent. If that were so, I should acknowledge the force of the objection; but I had occasion the other day to read the section of the act of 1820, in which it was provided:

That no contract shall hereafter be made by the Secretaries of State, of the Treasury, or the Department of War, or of the Navy, except under a law authorizing the same, or under an appropriation adequate to its fulfilment; and excepting, also, contracts for subsisting and clothing the army or navy, and contracts for the Quartermaster's department, which may be made by the Secretaries of those Departments.

It was obviously necessary that such a power should be

It was obviously necessary that such a power should be reposed in the heads of the Departments, to keep our troops from suffering—to keep them from mutiny, from the want of necessary supplies. These are the most essential items in the bill; and indeed the public service would not suffer greatly, though it would somewhat, if you were to strike out every other item except those in relation to appropriations for subsistence and transportation. Most of those items come under that law. I know there are some things in the deficiency bill which cannot be deemed indispensably necessary at present—some which, in my opinion, ought not to pass; some again which were put in by the committee because they must be paid either in this fiscal year or the next, as they were certainly due, or certainly to be required, during the one year or the other.

Some matters included here were omitted in the appropriation last year, and now added, because we shall certainly have to put them either in this bill or in that for the next fiscal year. For instance, the appropriation for the next fiscal year. For instance, the appropriation of \$360,000 for the drydock in California, instead of providing for it in the regular bill of the next fiscal year. It is put in this because it will be necessary to provide for it some time or other. The dock was finished sooner than

out forage or subsistence for the horses and the necessary means of transportation. They would have to sell the public property, beasts of burden, horses, &c., to get those means; and then, when we come to make an appropriation for the next fiscal year, we shall have to buy them over again; thus subjecting the Government to five times the expense, if we refuse to pass the bill, that we should incur by adopting it, even admitting that many of the leaves. cur by adopting it, even admitting that many of the items

remain for the control of the contro

then three other years. The average expenses, exclusive of the trust fund expenses in the Post Office Department, and the payment of the principal and interest of the public debt, for the three first years was \$25,410,000. The average annual expenses during the years of the Mexican war were \$45,729,888. Lt us see what is the sum total of the expenditures now.

According to his statement there was expended during the last year \$38,280,801, after deducting payments on a statement furnished me by its head, \$5,281,42 for the fiscal year ending in June, 1851. By a statement furnished me from the Register's office it appears that of this war \$4,064,292 were drawn from the Treasury; so that the residue of \$1,221,850 was probably derived from Mexican contributions and the civil fund in California. Now, as the statement of expenses in the Secretary's report was taken from the Register's books, we must add this \$1,221,850 to the \$38,280,801 to find the real expenditures for the present year. Such, sir, were the disbursements of one year, and that in time of peace. The estimated expenditures for the present years and officer's will act on their own response to the statement of expenses in the Secretary's report was taken from the Register's books, we must add this begin to the secretary's report was taken from the Register's books, we must add this statement of expenses in the Secretary's report was taken from the Register's books, we must add this begin to the secretary's report was taken from the Register's books, we must add the secretary's report was taken from the Register's books, we must add this begin to the secretary's report was taken from the Register's books, we must add the secretary's report was taken from the Register's books, we must add this begin to the secretary's report was taken from the Register's books, we must add the secretary's report was taken from the Register's books, we must add the secretary's report was taken from the Register's books, we must add the secretary's report was taken from the R

Register's books, was about \$45,000,000, or about tenper cent more than the sum estimated for the present fiscal year. I say, then, that these results show something which requires an explanation.

I find, on comparing the expenditures for the army proper for the year ending June, 1851, that in 1845 the whole expense under that head was \$3,155,027, and in 1851 the expense of the army proper was \$8,949,000. When you come to add to that \$1,221,856, to be for expenditures in the quartermaster's department not appearing in the register's books, you have an expenditure for the army proper of upwards of \$10,000,000, being more than three times as much as it was in 1845. We have the estimate for 10,600 troops in the field; and when we come to take the expense for the quartermaster's department for the last fiscal year, we find it comes very nearly \$500 per man under that head alone. In the army proper, the expense, when the

is put in this because it will be necessary to provide for it some time or other. The dock was finished sooner than it some time or other than the for the fact that there has been no clasticity, no fexibility, in the system of administration as applied to new and entirely different circumstances. They persisted in following an old system, designed for an old and thickless that there has been no clasticity, no fexibility, in the system of administration as applied to new and entirely different circumstances. They persisted in following an old system, designed special appropriation, under the law of 1826. So much for that objection.

But there is another objection. It is urged by many—and I believe it is a reason which induced many gentlement to vote against this bill in the House of Representatives—that the expenditures have been extravagant; and that, if they vote for this deficiency bill, they are admitting that the Executive departments have made these expenditures properly, and that they are economical; and so believing, they could not vote for it. If I believed that such was the issue upon the vote upon this bill, it would affect my course in relation to it; for I cannot lay my hand on my heart and say that I believe that the expenditures have been moderate, and proper, and economical. But that is not the issue presented to us upon the passage of this bill. What would be the consequence of our refusing to pass it? Why, the army would be without orange or subsistence for the horses and the necessary means of transportation. They would have to sell the

We find by reports that this plan is working well. The

ernment.

Mr. Dawson. May I ask the permission of the Senator from Virginia to make a remark? He speaks of this case as being brought out by his call; he ought to do the Secretary of War the justice to say that, so far back as the 9th of February, he made a communication to the Senate of that very fact; and asked this body to provide some legislative remady, as there was no law in existence ap-

expense was on account or these distant possessions. We had large armies afoot during the Mexican war; and, according to the statements of the present Secretary of the Treasury, the annual expense then, as appeared from the Register's books, was about \$45,000,000, or about ten per cent more than the sum estimated for the present sures as will enable us to defend these distant possessions

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to the good government of our country as an army or a navy; and yet, sir, notwithstanding these circumstances, which appeal so strongly not only to the sense of policy but to the movements of those who administer the Government, the call to which I have referred has been slum-

an appropriation made for extra pay, in August, 1848, of \$380,000, which was transferred also; making in all, of these old appropriations, \$530,000. These transfers were made in April, 1851.

Sir, how can Congress limit expenses by limiting the appropriations, while the Departments are thus allowed to refer to old appropriations and transfer them addictum?

Thus we see that in every way we are mystified, and that it is impossible to restrict expenditures by specific appropriations, as we neither know what is wanting nor how much is already applicable to the particular service under old appropriations.

Now, I do not charge this on the Administration as having been designed. I say that these abuses have been accumulating, some for eight years past, and some within the last four years. The present construction of the act of 1842, and the practice of transfer under it, originated, I believe, under the present Administration. In relation to the abuses, or what I believe to be abuses, as to the surplus fund, the Administration is responsible not for originating, but continuing them. Certain it is that these practices ought either to be abandoned, or we should give up the system of specific appropriations. The two cannot coexist without a manifest contradiction. I know that they excuse it by saying, when an appropriation is made for an object which is not completed, it is useless to pay money into the surplus fund which has not been expended within two years, because it may be required to satisfy existing contracts. But how easy would be after the expiration of that period, to pass it to the applus fund, and then get it reappropriated.

What, sir, was the object of the provision? The Attorney General said that one object was to enable the Government to have its means at its disposal. But there was another and a mean parameter and a mean manifest which was to enable the Government to have its means at its disposal. But there was another and a mean appropriation and the parameter and a mean means at its disposal. But t

ernment to have its means at its disposal. But there was another and a more important object, which was to create periodical rests and balances, so as to enable the Government to know the true state of its accounts; to know how far certain objects were already provided for by existing

REMARKS OF MR. GWIN,

OF CALIFORNIA, ON THE DEFICIENCY APPROPRIATION BILL.

IN THE SENATE, APRIL 19 AND 20, 1852. The Senate having under consideration the bill to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th of June, 1852—

ply deficiencies in the appropriations for the service of the fiscal year ending the 30th of June, 1852—

Mr. GWIN said: Mr. President, it was not my purpose to make any remarks in reference to this hill, except to explain some of the amendments which have been offered by the Committee on Finance. But the discussion which took place on Friday has made it a duty on my part to present some facts to the Senate, which I shall do as briefly as possible. Although I dissent from the chairman of the Finance Committee in some of the positions assumed by him in opening this discussion, I should, nevertheless, have remained silent but for a remark which fell from the Senator from Georgia, (Mr. Bernier.) That Senator stated that he was struck with the peculiarity of this discussion, with which we have been favored, from the chairman of the Finance Committee, on the subject of deficiency bills. And he went on to state that he was not now prepared for the discussion; but he added:

"I note it merely for the purpose of having it understood by the country that this Administration is capable of a defence, when the proper moment arrives for making it."

Now, here is a notice given to us that the Senator intends to defend this Administration at the proper time; and, in order that he may have additional materials to those that were furnished by the Senator from Virginia, (Mr. Henren,) I will give him some other items which will demand explanation from the champions of the Administration. I shall commence by calling the attention of the Senator to this provision of the Constitution of the United States:

"No Senator or Representative shall, during the time for which he was elected, he appointed to any civil office under

"No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States shall be a member of either House during his sentimance in office."

United States shall be a member of either House during his continuance in office."

I will them ash life to refer to letter from the Secretary of State, which he will find in the Comments accompanying the President's message on California and New Mexico, addressed to the Hon. Thomas Butler King, who was at the time a member of Congress elect from the district, I believe, in which the Senator resides. The Secretary of the Secret

Mexico, addressed to the Hon. Thomas Butler King, who was at the time a member of Congress elect from the district, I believe, in which the Senator resides: The Secretary of State cays:

"The President, reposing full confidence in your integrity, ability, and prudence, has appointed you an agent for the purpose of conveying important instructions and despatches to our naval and military commanders in California."

At the close of this letter he says:

"Your compensation shall be at the rate of cight dollars per diem, from the time of your departure on the business of your mission until your return home: and you will be allowed your travelling and other expenses during your absence."

Mr. Dawson. What is the date of that letter?

Mr. Gwin. It is dated April 3d, 1849. Mr. King was at that time a member of Congress from Georgia. He had been elected, I believe, the previous October. His term had commenced; and here he receives one of the most important appointments, as I shall presently show, ever conferred upon any individual, from the beginning of the Government to the present time, still retaining his seat in Congress, and receiving compensation at the rate of eight dollars a day and his travelling expenses, in addition to what he might receive as a member of Congress. Now, what was Mr. King's mission? He had placed under his control the whole power of this Government on the Pacific coast, or that portion of it included within the Territory of California. He had placed at his disposal the army, navy, and treasury of the United States. I have the documents to prove what I state. I read from a letter from Gen. Smith, who was in chief command in California, addressed to the Secretary of War. He says:

"Six: I have the honor to acknowledge the receipt of your communication, by the hands of the Hon. T. Butler King." With the view of affording him every possible opportunity of acquiring information relating to California, its present situation, its capabilities and prospects, I have prepared the means of making a jour

letter to the Secretary of the Navy, as follows:

letter to the Secretary of the Navy, as follows:

"Siz: I have the honor to acknowledge the receipt of your letter of the 7th of April, handed to me on the 5th instant by Licutenant Ringgold, of the navy, in company with the Hon. T. Butler King. A more acceptable visiter than Mr. King could hardly have been sent to California; nor could his arrival here have been more opportune, being himself the bearer of the first authentic intelligence of the failure of all efforts in Congress to extend the laws of the United States over this Territory. Mr. King will doubtless report by the first steamer the state and condition of affairs here as he found them. It is very gratifying to that portion of the army and navy serving on this station to find that the measures they have adopted for the security of persons and property, and for the collection of duties on foreign imports, are approved by Mr. King, as we hope they will be by the President."

To show what unlimited power was conferred on Mr.